

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

CENTRAL LABORERS' PENSION FUND)	
BOARD OF TRUSTEES,)	
CENTRAL LABORERS' WELFARE FUND)	
BOARD OF TRUSTEES,)	
CENTRAL LABORERS' ANNUITY FUND)	
BOARD OF TRUSTEES, and)	
BARRY McANARNEY,)	
)	
Plaintiffs,)	
)	
vs.)	Case No. 08 CV 3931
)	
DEMPSEY ING, INCORPORATED,)	Judge Castillo
an Illinois corporation, and)	Magistrate Judge Schenkier
JAMES E. DODSON, individually,)	
)	
Defendants.)	

ANSWER TO COMPLAINT

NOW COME the Defendants, DEMPSEY ING, INCORPORATED, an Illinois corporation, and JAMES E. DODSON, individually, by their attorneys, Mickey, Wilson, Weiler, Renzi & Andersson, P.C., and for their Answer to the Complaint of the Plaintiffs, state as follows:

COUNT I
**(CLAIM UNDER ERISA FOR DELINQUENT CONTRIBUTIONS AGAINST
DEMPSEY ING, INCORPORATED)**

1. Defendant, Dempsey Ing, Incorporated, admits the allegations of Paragraph 1.
2. It admits the allegations of Paragraph 2.
3. It admits the allegations of Paragraph 3.

4. It admits the allegations of Paragraph 4.
5. It admits the allegations of Paragraph 5.
6. It admits the allegations of Paragraph 6.
7. It admits the allegations of Paragraph 7.
8. It admits the allegations of Paragraph 8.
9. It admits the allegations of Paragraph 9.
10. It admits the allegations of Paragraph 10.
11. It admits the allegations of Paragraph 11.
12. It admits the allegations of Paragraph 12.
13. It admits the allegations of Paragraph 13.
14. It denies the allegations of Paragraph 14.
15. It denies the allegations of Paragraph 15.
16. It denies the allegations of Paragraph 16.
17. It denies the allegations of Paragraph 17.
18. It denies the allegations of Paragraph 18.
19. It admits the allegations of Paragraph 19.
20. It denies the allegations of Paragraph 20.

WHEREFORE, the Defendant, DEMPSEY ING, INCORPORATED, respectfully prays for judgment for the Defendant and against the Plaintiffs, and that Plaintiffs' Complaint be dismissed.

COUNT II
(ERISA AUDIT—DEMPSEY ING, INCORPORATED)

1-20. Defendant, Dempsey Ing, Incorporated repeats and realleges its answers to Paragraphs 1 through 20 of Count I as and for its answers to Paragraphs 1 through 20 of this Count II.

21. It admits the allegations of Paragraph 21.

22. It denies the allegations of Paragraph 22.

23. It denies the allegations of Paragraph 23.

24. It denies the allegations of Paragraph 24.

WHEREFORE, the Defendant, DEMPSEY ING, INCORPORATED, respectfully prays for judgment for the Defendant and against the Plaintiffs, and that Plaintiffs' Complaint be dismissed.

COUNT III
(AGAINST JAMES E. DODSON)

1. Defendant, James E. Dodson, makes no answer to Paragraph 1.

2-21. He adopts and realleges the answers of Defendant, Dempsey Ing, Incorporated to Paragraphs 1 through 20 of Count I as and for his answers to Paragraphs 2 through 21 of this Count III.

22-25. He adopts and realleges the answers of Defendant, Dempsey Ing, Incorporated to Paragraphs 21 through 24 of Count II as and for his answers to Paragraphs 22 through 25 of this Count III.

Breach of Contract/Trust Agreements

23. He admits the allegations of Paragraph 23.

24. He denies the allegations of Paragraph 24.

25. He denies the allegations of Paragraph 25.

26. He denies the allegations of Paragraph 26.

Fraud

28. He denies the allegations of Paragraph 28.

Conversion

27. He denies the allegations of Paragraph 27.

Breach of Fiduciary Duty

28. He denies the allegations of Paragraph 28.


29. He denies the allegations of Paragraph 29.

Piercing the Corporate Veil

30. He denies the allegations of Paragraph 30.

WHEREFORE, the Defendant, JAMES E. DODSON, respectfully prays for judgment for the Defendant and against the Plaintiffs, and that Plaintiffs' Complaint be dismissed.

DEMPSEY INC, INCORPORATED, an Illinois corporation, and JAMES E. DODSON, individually

By: 
Bernard K. Weiler, One of their attorneys

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